

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

POLARIS INNOVATIONS LIMITED,
Plaintiff,
v.
DELL INC., et al.,
Defendants.

Case No. 16-cv-7005-PJH

**ORDER GRANTING DEFENDANTS'
MOTION TO STAY**

Defendants' motion to stay this action pending resolution of inter partes review ("IPR") of five of the six patents-in-suit came on for hearing before this court on June 14, 2017. Plaintiff Polaris Innovations Limited appeared by its counsel Matthew D. Powers and Alex H. Chan; defendant NVIDIA Corporation appeared by its counsel David M. Hoffman and Katherine Vidal; and defendant Dell, Inc. appeared by its counsel Brianna L. Kadjo. Having read the parties' papers and carefully considered their arguments and the relevant legal authority, the court hereby GRANTS the motion as follows and for the reasons stated at the hearing.

The question whether to stay proceedings pending IPR is a matter committed to the district court's discretion. Hewlett-Packard Co. v. ServiceNow, Inc., 2015 WL 5935368 at *1 (N.D. Cal. Oct. 13, 2015); see also Ethicon, Inc. v. Quigg, 849 F.2d 1422, 1426-27 (Fed. Cir. 1988). "Courts in this District examine three factors when determining whether to stay a patent infringement case pending review or reexamination of the patents: (1) whether discovery is complete and whether a trial date has been set; (2) whether a stay will simplify the issues in question and trial of the case; and (3) whether a

1 stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving
2 party.” PersonalWeb Tech., LLC v. Apple Inc., 69 F. Supp. 3d 1022, 1025 (N.D. Cal.
3 2014) (quotations and citation omitted). Having considered these factors, the court finds
4 that the benefits of a stay outweigh any inherent costs of postponing the litigation.

5 The stay will be in effect until December 2017. The court will conduct a further
6 case management conference (“CMC”) on December 14, 2017. The parties shall file a
7 joint CMC statement on December 7, 2017, in which they shall apprise the court of the
8 status of the decisions by the PTAB with regard to institution of the pending IPRs. The
9 court will revisit the decision regarding the stay at the CMC.

10
11 **IT IS SO ORDERED.**

12 Dated: June 15, 2017



PHYLLIS J. HAMILTON
United States District Judge